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Situation of human rights in Iraq

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Andreas Mavrommatis, in accordance with General Assembly resolution 57/232 of 18 December 2002.

* A/58/150.

** The present note is being submitted on 3 September 2003 so as to include as much updated information as possible.

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Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq

1. By its resolution 2003/84 of 25 April 2003, the Commission on Human Rights renewed for a further year the mandate of the Special Rapporteur on the situation of human rights in Iraq. In particular the Commission requested the Special Rapporteur to submit an interim report on the situation of human rights in Iraq, focusing on newly available information about violations of human rights and international law by the Government of Iraq over many years, to the General Assembly at its fifty-eighth session and to report to the Commission at its sixtieth session.

2. The Special Rapporteur has taken due note of the particular emphasis laid by that resolution on the examination of new evidence of past human rights violations, but wishes to state that he has always followed with utmost concern and attention the general human rights situation in Iraq. He has maintained numerous contacts with informed members of the diplomatic community, representatives of Permanent Missions in Geneva and elsewhere, United Nations agencies, Iraqis and representatives of international and national non-governmental organizations, thus having an overall picture of the human rights situation in Iraq. In addition, allegations regarding issues pertaining to his mandate have been submitted to the Special Rapporteur.

3. It was in the light of these considerations that on 13 May 2003 the Special Rapporteur addressed a letter to the Permanent Mission of the United States of America, informing it of his intention to carry out as soon as possible, preferably in July 2003, an exploratory three-day visit to Iraq, in pursuance of Commission on Human Rights resolution 2003/84. In a second letter to the Permanent Mission of the United States of America, dated 7 July 2003, the Special Rapporteur indicated that during his stay in Iraq, he would be meeting with the Administrator of the Coalition Provisional Authority, representatives at the highest level of the Iraqi Governing Council, the Special Representative of the Secretary-General, United Nations agencies and international and national non-governmental organizations, as well as with representatives of religious communities. Should security conditions permit, the Special Rapporteur would also make a field visit outside Baghdad to one location in the northern or southern part of Iraq. During his visit to Iraq, he would focus also on issues raised in his previous reports, such as the right to life, the missing, mass graves, the judiciary system, torture and prison conditions.

4. In its response, dated 31 July 2003, the Permanent Mission of the United States of America informed the Special Rapporteur that the Coalition Provisional Authority would welcome his visit during the month of September to focus on past, gross and systematic human rights violations. In a further letter of 19 August 2003 to the Permanent Mission of the United States of America, the Special Rapporteur welcomed its response on behalf of the Coalition Provisional Authority and proposed the period from 22 to 27 September 2003 for his visit to Iraq.

5. A few short hours after the sending of that letter, the Special Rapporteur was utterly shocked and deeply saddened to hear about the bomb attack against the headquarters of the United Nations mission in Baghdad, in which the Special Representative of the Secretary-General for Iraq — and United Nations High Commissioner for Human Rights — as well as 22 other United Nations officials lost their lives in the ruins of the building, and about 100 other people were injured,

many of them severely injured or traumatized. The Special Rapporteur wishes to salute the valuable contribution of the late United Nations High Commissioner for Human Rights in general and his contribution to Iraq in particular.

6. Those tragic events have redoubled the determination of the Special Rapporteur to do everything possible within his mandate to ensure that democracy in Iraq is firmly entrenched in a culture of human rights and that those who have been responsible for gross and systematic human rights violations for decades are brought to justice. Following the designation by the Secretary-General of Ramiro Lopes da Silva as his acting Special Representative for Iraq, the Special Rapporteur is maintaining his plans, as scheduled, for his visit to Iraq, provided of course that the results of the survey carried out by a team from the Office of the United Nations Security Coordinator to assess the security situation in Iraq permit the realization of that visit.

7. Should conditions be such as to severely restrict the freedom of movement of the Special Rapporteur in connection with his contacts, appointments, or visit to the location outside Baghdad, the Special Rapporteur may then envisage, most reluctantly, the postponement of his mission to Iraq. In such a case, the Special Rapporteur would consider, as in the past, alternative methods of obtaining new evidence and doing whatever else was necessary to discharge his mandate and to report thereon, as requested, by submitting an addendum to the present report.

8. In case the Special Rapporteur is able to carry out his visit to Iraq as scheduled, the addendum to the present report will focus on the observations, findings and recommendations drawn from his mission.